IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23148 of 2007(E)

PETITIONER:

K.RAMESHKUMAR, SREE LAKSHMI,
KAVUMBHAGOM, THALASSERY.

BY ADV. SRI.S.DILEEP (KALLAR)

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, COLLECTORATE,
KANNUR.

2. THE OFFICIAL LIQUIDATOR,
HIGH COURT OF KERALA, ERNAKULAM.

3. THE TAHSILDAR, REVENUE RECOVERY,
THALASSERY.

4. THE VILLAGE OFFICER, THALASSERY.

R1,R3,& R4 BY G.P. SRI. P.N. SANTHOSH
R2 BY SC SRI. K. MONI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 23148 OF 2007

Dated this the 27th day of July, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of decree amount awarded by the Company Court in liquidation proceedings. According to the petitioner, petitioner was unaware of the claim filed by the second respondent and the decree passed until recovery proceedings came. Petitioner has already deposited fifty per cent of the decree amount. I do not think this Court can entertain challenge against judgment and decree of the Company Court pursuant to which recovery is initiated. Therefore it is for the petitioner to move the Company Court or to file appeal. However, having regard to the circumstances and the payment made by the petitioner, I feel petitioner can be given some time to challenge the order of the Company Court pursuant to which recovery is initiated. Respondents 2 and 3 are directed to withhold recovery proceedings for two months. If the petitioner does not produce stay orders from the Company court or appellate court, recovery will be continued for the balance amount after two months.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge